

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JACK FERM,)
vs.)
COLLEEN MCCARTY, et al.,)
Plaintiff,)
Defendants.)
)
Case No. 2:12-cv-00782-GMN-PAL
ORDER
(Mtn to Exclude Evidence - Dkt. #46)

This matter is before the court on Plaintiff Jack Ferm's Rule 403 Motion to Exclude Evidence for Unfair Prejudice, Confusion of Issues, Cumulative and as a Waste of Time (Dkt. #46); Defendants Colleen McCarty's, KLAS, LLC's, and Steve Kanigher's Response (Dkt. #57); Plaintiff's Reply (Dkt. #78); and Plaintiff's Errata to the Motion's Certificate of Service (Dkt. #48).

Plaintiff's Motion seeks an order excluding evidence submitted by Defendants in support of their Motion for Judicial Notice (Dkt. #11) and Motion to Dismiss (Dkt. #10), Opposition (Dkt. #34) to Plaintiff's Motion for Partial Summary Judgment on Defamation Claims (Dkt. #16), Opposition (Dkt. #37) to Plaintiff's Motion for Partial Summary Judgment on Intentional Infliction of Emotional Distress Claims (Dkt. #23), and Opposition (Dkt. #32) to Plaintiff's Motion for Preliminary Injunction (Dkt. #22). The undersigned entered an Order denying Defendant's Motion for Judicial Notice (Dkt. #11) and a Report of Findings and Recommendation recommending that Defendants' Motion to Dismiss (Dkt. #10) be granted and Plaintiff's First Amended Complaint (Dkt. #5) be dismissed with leave to amend. The court found that Plaintiff had not established the court's subject matter jurisdiction or complied with Rule 8 of the Federal Rules of Civil Procedure. The court has also recommended that Plaintiff's Motions for Summary Judgment (Dkt. ##16, 23, 31) be denied as the First Amended Complaint is deficient, and it is not clear that the court has subject matter jurisdiction.

1 For the same reasons,

2 **IT IS ORDERED** that Plaintiff's Motion to Exclude Evidence (Dkt. #46) is DENIED.

3 Dated this 28th day of January, 2013.

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6 PEGGY A. SEEN
7 UNITED STATES MAGISTRATE JUDGE